



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,754	01/22/2001	Paul O'Brien		2713

7590 02/24/2004  
OPPENHEIMER WOLFF & DONNELLY LLP  
ATTENTION: LOUIS J. BOVASSO  
Suite 3800  
2029 Century Park East  
Los Angeles, CA 90067

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

3

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

**CUONG H. NGUYEN**  
Primary Examiner  
Art Unit: 3625

**Office Action Summary**

Application No.

09/767,754

Applicant(s)

O'BRIEN, PAUL

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This Office Action is the answer to the communication received on 4/27/2001 (the IDS).

### Status of the Claims

2. Claims 1- 5 are pending in this application.

### Drawings

3. This application has been filed with 11 formal drawings (5 sheets) which currently are acceptable for examining purposes.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1- 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. (PUB-NO: JP410097558 A), in view of Vinciarelli et al., (US Pat. 6,110,213), and further in view of O'Brien (US Pat. 4,671,417).

A. As to claim 1: Kobayashi and Vinciarelli et al. teach that various image patterns and their relative data are sent to a computer via the Internet, image dimensions, materials are combined to generate a design image for a fixture arrangement, together with relative data suggested to a modification of that picture if necessary (see Vinciarelli et al. claims 14, 23, 43-45). Therefore, they teach an Internet interactive environment for ordering.

Kobayashi et al., and Vinciarelli et al., do not disclose that product is a specific “unit packages the number and length of display hooks for hanging the selected unit packages from said hooks on a slotted panel coupled to a freestanding rack”.

However, O'Brien clearly teaches that product can be “unit packages the number and length of display hooks for hanging the selected unit packages from said hooks on a slotted panel coupled to a freestanding rack”. He obviously teaches a computer having a monitor connected to a pre-selected web site over the internet displaying on the monitor a plurality of differing unit packages, each of said unit packages being three-dimensional and having a pair of spaced sides and an opening for receiving a display hook therein, and at least a height, a width, and a depth, said opening being spaced from the sides of said unit packages; the user selecting one of said unit packages; the computer presenting a dimensions box on said monitor in response to the unit package selected by said user; the user inputting dimensions related to said height, width, depth, and spacing Of said opening on said pre-selected unit package; the computer presenting a display of a slotted display panel mounted on a rack along with-a listing of the number of display hooks, and length thereof, that may be mounted to said panel dependent on the depth desired of the selected unit packages on each of said hooks; the user inputting a selection of a particular length of display hook desired and the quantity thereof; and the computer generating the bill of materials required for the number and length of hooks selected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kobayashi et al. with O'Brien to suggest that O'Brien's product can be selected to order in the Internet as customized three-dimension design image structure from Kobayashi et al.'s invention because these dimensions are necessary for each customized ordering on the Internet; moreover, these inventors are in the same field of endeavor, artisans would recognize that O'Brien customized device would be an exemplary situation that implementing Internet ordering method of selecting and ordering products suggested by Vinciarelli et al.

B. As to claim 2: The rationales and references for rejection of claim 1 are incorporated.

O'Brien teaches a method of claim 1 wherein a package has a hanging tab with an opening.

Kobayashi et al. teach a step of inputting dimensions for a specific configuration of a structure device for architecture and living relative fixture layout design and the relative data using the Internet. Kobayashi et al. do not disclose that those inputting the dimensions relating to the position of said tab on said unit package.

However, the examiner submits that it is old and well-known to specify varied dimensions/sizes varied according to different products that order through the Internet.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kobayashi et al., and Vinciarelli et al., with O'Brien to suggest that O'Brien's product can be selected to order in the Internet as customized three-dimension design image structure from Kobayashi et al.'s invention because these dimensions are necessary for each customized ordering on the Internet; moreover, these inventors are in the same field of endeavor, artisans would recognize that O'Brien customized device would be an exemplary situation that implementing Internet ordering method of selecting and ordering products suggested by Kobayashi et al.

C. As to claim 3: The rationales and references for rejection of claim 1 are incorporated.

O'Brien teaches a method of claim 1 wherein at least one of said unit packages has a hanging tab with an opening therein.

O'Brian does not disclose about a step of inputting fixed dimensions relative to a position of a slot on Internet.

However, the examiner submits those dimensions would be varied according to a product that order through the Internet (see O'Brian, claims 1, 6, 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kobayashi et al., Vinciarelli et al., with O'Brien to suggest that "inputting dimensions relative to a position of a slot on a package." O'Brien's product would be ordered in the Internet as designed fixtures from Vinciarelli et al.'s invention because these dimensions are

necessary for a specific ordering on the Internet; moreover, these inventors are in the same field of endeavor, artisan would recognize a step of inputting different dimensions to give a user's flexibility.

D. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al., in view of Vinciarelli et al., (US Pat. 6,110,213), and further in view of O'Brien (US Pat. 4,671,417),

The rationales and references for rejection of claim 1 are incorporated.

O'Brien teaches a method of claim 1 wherein a unit packages has a hanging tab with an opening.

O'Brian does not teach a step of generating the bill of materials includes a step of generating dimensions and type of material of a product.

However, Vinciarelli et al. teach about a step of generating a bill of materials. According to them, a product's dimensions are customized information according to each specific product that order through the Internet, and they have been often recorded in a bill of materials (see Vinciarelli et al., claims 14, 23, 43, 44, 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kobayashi et al., Vinciarelli et al., and O'Brien to suggest that O'Brien's product would be selected to order in the Internet as customized structures from Vinciarelli 's teaching because those inventors are in the same field of endeavor, product's dimensions are necessary put in a bill of material for a specific ordering on the Internet.



E. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al., in view of Vinciarelli et al., (US Pat. 6,110,213), in view of O'Brien (US Pat. 4,671,417), and further in view of Fruechtel (US Pat. 6,175,825).

The rationales and references for rejection of claim 1 are incorporated.

Kobayashi et al., Vinciarelli et al., and O'Brien teaches a method of claim 1 wherein at least one of said unit packages has a hanging tab with an opening therein.

Vinciarelli et al., and O'Brien do not disclose that a computer computes and displays the cost of materials along with shipping information".

However, Fruechtel teaches what Vinciarelli et al., not disclose in ordering through the Internet (see **Fruechtel**, the abstract, and claim 1 – note: it is also old and well-known to compute/display materials, and shipping costs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kobayashi et al., Vinciarelli et al., O'Brien, and Fruechtel to teach computing materials, and displaying cost of said materials along with information relating to the shipping of said materials, because those computations and shipment info. have been known as required steps to finish up a transaction wherein details are listed to help both a vendee and a vendor in checking out an order.

### **Conclusion**

5. Claims **1- 5** are not patentable.

6. The prior art are pertinent to claimed subject matter of this pending application:

- Vinciarelli et al., US Pat. 6110213, Fabrication rules based automated design and manufacturing system and method.
- Vinciarelli et al. (US Pat. 6,230,403 B1), Interconnection system.
- Fraser et al., US 6105520 A, Quilt making automatic scheduling system and method.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*Cuong H. Nguyen*

*CHN*  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3625